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In re Application of	:	DECISION
Schlegel et al	:	
Application No.: 09/508,301	:	
PCT No.: PCT/EP98/05765	:	ON RENEWED PETITION
Int. Filing Date: 10 September 1998	:	
Priority Date: 10 September 1997	:	
Attorney's Docket No.: MFA-11902/04	:	UNDER 37 CFR 1.47(a)
For: METHOD AND DEVICE FOR	:	
PROCESSING FRESH MEAT	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 06 March 2001 that seeks the acceptance of the application without the signature of the inventor Jurgen Schlegel.

### **BACKGROUND**

In a decision from this Office dated 03 January 2001, the 10 October 2000 petition was dismissed. The decision indicated that petitioner had not satisfied the requirement of section 409.03(d) because a complete copy of the application (i.e., specification, including claims and drawings) did not appear to have been presented to Mr. Schlegel for reviewing and signing. The decision further stated that the record did not support the premise that Mr. Schlegel's conduct constituted refusal since a *bona fide* attempt was not made to present a copy of the application papers (specification, including claims, drawings and declaration) to Mr. Schlegel for his signature at the MEFA fair in Zurich. Consequently, it could not be concluded that Mr. Schlegel had refused to sign the documents based on the evidence provided on 10 October 2000.

On 06 March 2001, applicant filed the present renewed petition under 37 CFR 1.47(a). Filed with the present petition is a supplemental declaration by Huber Verhaag under 37 CFR 1.47.

### DISCUSSION

The application together with second supplemental renewed petition under 37 CFR 1.47(a) have been reviewed and have been found to be in compliance with 37 CFR 1.47(a). the second supplemental renewed petition states that on 07 February 2001 Mr Verhaag again personally approached Mr. Schlegel and presented him with a complete copy of the above-identified application (including the specification, drawings, claims, declaration and power of attorney and assignment) for signature and that he again expressly refused to review or sign the declaration. This evidence is sufficient to establish that the Mr. Schlegel has refused to sign the declaration.

### DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.


The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt.

A review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.


A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371 date of this application is **10 October 2000**.



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